

REMARKS

This second preliminary amendment is being filed within three months of the filing of an RCE on August 19, 2004.

A Notice of Allowance, dated February 26, 2004, previously was mailed by the PTO. Applicant subsequently paid the issue fee and publication fee, and concurrently filed an amendment under rule 1.312. In that amendment, the applicant attempted to change the language of claims 1 and 9 to recite that a first drain region is "adjacent to" (instead of "at") one end of the gate electrode.

In a response dated August 11, 2004, the Examiner refused to enter that amendment, explaining that the phrase "adjacent to" did not seem to be appropriate for describing the relationship between the first drain region and the end of the gate electrode.

The current amendment changes the language of claims 1 and 9 so that they now recite that the first drain region is "at" one end of the gate electrode, which is the language that appeared in the claims as allowed by the Notice of Allowance of February 26, 2004.

In view of the current amendment, applicant submits that all claims are now in condition for allowance. Applicant respectfully requests such favorable action.

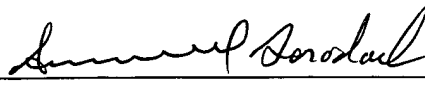
Applicant : Shuichi Kikuchi et al.
Serial No. : 09/943,667
Filed : August 31, 2001
Page : 6 of 6

Attorney's Docket No.: 10417-094001 / F51-
137276M/SW

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 10/28/04



Samuel Borodach
Reg. No. 38,388

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (212) 258-2291